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EXAMINER
HEYER, DENNIS

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Continuation of 11:

Applicant argues the credibility of the evidentiary reference the Office relied on, Russell (Tung and Linseed Oils) based on the lack of a clear publication date and recognized credibility for its whole content (response, page 3). In response, the Examiner notes that while Applicant argues the date and credibility of the applied evidentiary reference, Applicant does not argue the substance of the evidentiary reference, specifically, that polymerization, upon exposure to air, is an inherent property of linseed oil. Accordingly, the cited evidentiary reference, Russell, is properly applied. Applicant argues that Russell teaches other factors that influence the polymerization process (oils, temperature and light or heavy metals) but this does not detract from the property of linseed oil that exposure to air polymerizes linseed oil. Applicant also argues that Russell fails to disclose a coating of linseed oil on a medical product (response, page 9). This is not found to be persuasive because linseed oil inherently polymerized upon linseed to air regardless of the surface to which it is applied.

Applicant argues that the reference Allen-Petit teaches conditions that reduce the ability to polymerize oils on coated implants. Applicant cites:

1. *Fats and oils with reduced multiple bonds.* This is not persuasive because while the reference teaches that oils may undergo partial hydrogenation of multiple bonds, Allen-Petit also teaches linseed oil coated stents which inherently has a specific number of multiple bonds and, as noted above, will polymerize upon exposure to oxygen.

2. *Contacting the coating with alpha-tocopherol.* This is not found to be persuasive because Applicant offers no evidence that Vitamin E has any significant effect on the autopolymerization of linseed oil. Further, Allen-Petit appears to combine Vitamin E with stent coated oils to increase lumen area, reduce hyperplasia, inflammation and stenosis (page 17, Table 1 and page 18, conclusions) . There is no indication that the role of vitamin E is use to inhibit an undesired polymerization of the oil coating, but, rather that the vitamin E serves as a 'therapeutic agent' (Allen-Petit, page 4, lines 5 – 16).

3. *Short term contact to aerial oxygen at room temperature*. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., temperature and time) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. *Light protection of the obtained coated implant and drying the oils.* This is not found to be persuasive because while the reference, as cited by Applicant, "may recommend conditions for the freshly coated implants that do not facilitate polymerization" (response, page 5, 4th paragraph) the reference explicitly teaches a step of further air drying the coated prosthesis in a sterile laminar flow (page 10, Allen-Petit). Such a step occurs after repeated coating and drying until solvent is evaporated. Accordingly, Allen-Petit teaches additional drying of the coated implant *after* any volatile solvent is evaporated. Such conditions (exposure to oxygen) lead to polymerization of linseed oil.

Applicant argues that the instantly claimed coatings are distinct from those of Allen-Petit because the reference discusses problems with coating stability that are not present in the instantly claimed coatings. This is not found to be persuasive because the reference teaches that low melting oils such as linseed oil, stick sufficiently strongly to the medical device (page 8, lines 9 – 14). The reference teaches that the stability of the coating can be further improved by partial hydrogenation. The fact that some oil coatings are not optimal and may be hydrogenated to improve their stability does not provide evidence that the coatings of Allen-Petit are not, at least partially, polymerized.

Applicant argues that the coating of Allen-Petit would dissolve away because it does not consist of a polymeric network. This is not found to be persuasive because Applicant offers no evidence that the coating of Allen-Petit would, in fact, dissolve away.

Finally, in response to the discussion of the additional structural and functional features of Applicant's invention (uniformity and thickness of coating, outer and inner diameters, excellent hemocompatibility and release kinetics of incorporated active agents; pages 6 – 9), these, again, are not features not recited in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).